

**Meeting of the Governors Task Force on Aquaculture
Blue Hill Town Office
Blue Hill, Maine
September 25, 2003
Maine Coast Heritage Presentation
5:00 – 6:00 PM**

Task Force (TF) Members Present:

Will Hopkins, Paul Anderson, Anne Hayden, Josie Quintrell, Jim Dow, Paul Frinsko,

Stakeholders Advisory Panel (SAP) Present:

David Turner, Sebastian Bell, Chris Hamilton, Roger Fleming, Eric Horne, Dave Schmanska, Erick Swanson

Chris Hamilton (Maine Coast Heritage Trust) and landscape architect Terry DeWan presented their proposal on how the TF might accommodate visual impacts from aquaculture (see handouts). Presentation lasted approximately 45 minutes with questions following.

Discussion followed on the justification of such things as the half-mile distance, how one determines whether something is visually harmonious with the environment and whether proposed regulations would be enforceable.

Clarification was made that visible surface structures do not fill the lease. Case in point, Hardwood Island lease may be 25 acres but pens are only 2.

Given all the work MCHT has done with GIS, it was asked whether they could prepare a map showing where aquaculture might fit and where it might not. Chris noted that MCHT has sections of the coast but not whole coast. It is a big coast and not all data layers exist. Also, data layers may not serve the purpose since conservation easements may be indicated but houses may exist within the easement. Data not organized at that level of resolution.

Clarification was asked on MCHT definition of “public monies.” Chris referred to land for Maine’s Future money, bonds, state and federal acquisition etc.

Terry notes difference between scenic inventory and visual assessment. State was involved in scenic inventory back to ‘70s. Lots done around state. Not necessarily protected but are noted. Relied on work begun by US Forest Service. Terry defined terminology, attributes, etc. such as form, color, lines, texture, distance zones, foreground (1/4 to 1/2mi) where details evident, midground (1/2 to 4 mi) where details lost. Showed examples of photo simulation. Talked about enclosed spaces.

When asked if the MCHT proposed criteria and standards would apply regardless of public view and access, Terry answered that in their opinion, all coastal water is viewable by the public and thus would fall under their proposal.

When asked if these would apply to all activities such as quarries, power lines, farm silos, etc. it was noted that only those activities subject to a State permit would be covered. For example, a building 76 feet back from the water would not fall under NRPA and thus not subject to the standards unless the municipality adopted them.

Chris emphasized that the standards did not exclude aquaculture, rather held it to standards within the various zones. Aquaculture would be acceptable if it met scenic criteria or did not interfere with the use of the conservation easement. The example of Tinker Island as a public quiet recreation area was noted.

Presentation closed with the expectation that further clarification would be made on the boat tour of the bay on Friday.

Day 2 - September 26, 2003

Task Force (TF) members present:

Van Perry, Will Hopkins, Brian Beal, Ann Hayden, Jim Dow, Paul Anderson, Josie Quintrell, Des Fitzgerald, Don Perkins

Stakeholder Advisory Panel (SAP) present:

Chris Hamilton, Roger Fleming, Erick Swanson, Sebastian Belle, David Schmanska, Eric Horne, David Turner

Expert Panel: Andrew Fisk and Judy Gates, Me. Dept. Environmental Protection; and David Manski, Acadia National Park

Andy Fisk introduced the DMR's new noise, light, and visual impact policy (in memo) based on new statutory criteria (note policy, not in regulation). DMR staff has some thoughts and would like public and Task Force comment. When rule making is pursued on visual impact, these would be major substantive requiring legislative approval. DMR hired noise consultant to assess noise. DMR took noise ambient readings in several locations in Blue Hill Bay and two fish farms. Typical fish farm has a noise level within typical residential limits – between 45 and 55 decibels. Limit of 45 is quiet side of residential standard. Most commercial limits are 65-75 decibels. Language in memo is typical of noise regulations. Andy was asked questions on methods and will submit detailed report. Costs to mitigate noise on a centralized feeding system is ~ \$1,500-\$4,000. Although current policy is not law, it will be seen through the decisions and enforceable lease conditions. Looking to Task Force for guidance as to whether there should be a permanent standard. Industry members (SB) thought that muffling noise makes sense. An alternate approach to an absolute limit would be a “change” limit, e.g.

10 decibels above background. Ten-decibel difference not generally perceptible to human ear.

Light policy is for all lights to have “cut-off” fixtures. (SB) Industry is ok with use of cut-off fixtures but must consider worker safety.

Andy’s visual impact memo was discussed. Approach is to modify structures so they’re unobtrusive via addressing building profile, color, etc. Diminimus approach to visual impact. No policy yet developed for compliance response.

(CH) MCHT response to noise, light and visual impact criteria is in writing. Thinks there should be some places with a quieter noise level than residential. CH – Not sure should if 10 decibels above ambient is appropriate?

Don Perkins encouraged the SAP to come up with recommendations on Noise, light, Visual Impact. This topic area seems to be one that is close to resolving.

Judy Gates: Licensing Coordinator for DEP Land and Water Quality Bureau spoke on new rules that DEP developed to address scenic and aesthetic uses. Natural Resources Protection Act Chapter 315 rules were developed over 2 years to regulate adverse visual impact through evaluation, assessment and mitigation. Scenic = picturesque, pretty; aesthetic = artistic, visual; visual = image, illustration. Chapter 315 contains criteria for visual evaluation and staff analysis. A visual assessment is necessary if a potential exists for adverse impacts. Use existing scenic inventories. Showed example in Worcester Cove. Ch. 315 consistent with 8 steps of a visual evaluation. Staff now has “standard operating procedure” for determining unreasonable impact. Observations are translated into numerical score and adds significance of view, i.e. expectations of viewers. Chapter 315 applies to activities in on or over scenic resources within jurisdiction of NRPA. Definition considers public view vs. private view. Low percentage of applications subject to assessment (2%) and even less are denied because of visual impact – 0.2%. Judy concluded that she thought Chapter 315 has helped the DEP and applicants by forming numerical criteria and standards.

Discussion followed on whether aquaculture applicant following DMR visual impact policy would fall into moderate or low category in NRPA. It was noted that under NRPA it depends on where you look, i.e. is the farm in a scenic area while the DMR approach is to have the same standard everywhere.

Judy Gate noted that it was litigation over not addressing the scenic standard of NRPA that prompted the new rules.

Asked what a public vantage point is, Judy noted that in 315 there is a list – catchall is public lands and includes viewing something from the ocean. NRPA limited as to where the activity takes place and where it is viewed from.

Andy recommended flat visual impact standards and noted that the aquaculture statutes specifically and purposefully did not incorporate the words “scenic” or “aesthetics.”

The cost of a visual assessment varies but probably \$2,000 to much more.

Comments on rulemaking were generally positive.

David Manski – Acadia National Park

National Park Service (NPS) interest in aquaculture and any activity that may conflict with Acadia National Park’s (ANP) congressional recreational mandate. ANP really the titled lands within its boundary and conservation easements acquired by donation or purchase within a certain area. Most easements do not allow for public access. Easements are a private agreement between NPS and private landowner. Public has access to Long Island in Blue Hill Bay. Conservation mission is a primary mission. Only accept certain properties as easements that meet certain qualities, including scenic quality. Within Blue Hill Bay, ANP’s interest is currently limited to islands with natural qualities. NPS became involved in leases proposed near easement property. They focused on noise and light issues, protect dark night skies and natural ambient sounds. ANP is concerned about debris washing ashore and Dave noted that commercial activity is prohibited on easement property. ANP is also active on landside with planning boards working on same issues of noise and light. Dave is concerned with current case-by-case permitting process and no large-scale plan of what is to come. ANP participates in lease process by asking DMR to require applicant, as condition of lease, to work with NPS on NPS concerns. David will send a copy of an NPS agreement with leaseholder. ANP would like to see some cumulative impact / regional plan. ANP’s policies apply equally to fee land and easements.

Discussion on Water Quality Classification noted that in Class SA water, discharges are prohibited. Therefore, fish farms prohibited (feed a discharge). SA water extends about a mile from the parklands, but not at easements and does not include within 500 feet of private land due to existing licensed sewage discharges from private homes. Task Force would like more information on easements – ideally a map showing all easements – particularly interested in easements with public access.

Business Portion of Meeting

Task Force requested that the SAP look at and fine tune visual, noise and lights and come with recommendation from consensus.

Paul discussed MCHT’s proposal, his concerns, limitations, etc, but suggested that there may be value in applying those sorts of criteria if the “special areas” can be better defined. Parks are one thing, easements another, especially if without public access. The potential exists to lockup the whole coast.

DMR will provide map on Water Classification and other areas where aquaculture excluded using available data layers. John will provide qualified maps and suggested that the more complete order be a recommendation of the TF to the Legislature.

Discussion ensued on what groups can agree on with visual, noise and lights at a minimum. TF may not be able to address special cases. Will Hopkins suggested that MCHT assessment may not be advanced enough to incorporate by December but across the board standards may be. The notion of balancing exclusion areas with areas where permits may be expedited was suggested.

Anne Hayden noted the difference between areas where 10s of people benefit versus 1000s of people, e.g. Tinker Island vs. Somes Sound. Don Perkins requested an outline of lease applications, location, critical issues, approvals and denials. Don thinks some of these issues may have been solved.

Des wants the SAP to be more active, make recommendations. The outcome should not be the burden of the TF alone. Feels like agreement exists or is close on lighting, noise and visual impacts. TF wants to give legislature something that has been well vetted so that will sail.

Jim Dow suggested that group needs to move past low priorities to wrestle with the higher. Liked idea of endorsing path DMR is taking and TF sign off on it. TF not ready to deal with MCHT visual assessment of area, half mile etc. but can deal with DMR's visual standards.

TF asked SAP to look at 2 memos, provide feedback and make recommendations that are reasonable. Far preferable to a TF version that will likely not be as good as SAP consensus.

Rob Bauer objected to visual, lighting, and noise standards as potentially adversely impacting the lobster industry. Chris explained MCHT's proposal was that, a proposal to be refined. Josie said Andy's much closer to go. Jim stressed that the TF not waste time on what is taken care of already. TF members voiced concern that SAP needs to be engaged now and not in January. Don reminded all that there were 80 people last night unhappy with issues of noise, lights, and visual impact.

David Etnier emphasized that it is imperative that the TF move forward. This is a rare opportunity to bring people together and have meaningful and lasting effect on aquaculture policy. This is an expensive effort and DMR does not have the resources to do this again soon. TF needs to be judicious, pick priorities, make decisions and come up with good recommendations that can be implemented, not studied further.

TF returned to the issue of special "viewsheds." Anne Hayden needs to identify viewsheds where public expectation is high. Maybe 2 tiers exist. One in which many people benefit and another where benefit is limited to a few. Example, island kayakers are a limited set of people due to limited access versus visitors to Cadillac Mountain who can hike, bike and drive.

Will asked if we are we moving toward adding viewshed as decision criteria.

Kathleen mentioned DEP intern who is identifying publicly accessible viewsheds. Kathleen will look into that as a resource for the TF effort. Anne volunteered to draft a criterion to add view to lands with public access. In response to a request for photos of what shellfish and finfish sites look like from the land with water as backdrop and from the water with land as backdrop Sebastian offered to provide some photo examples. Distances will be included.

It was noted that the TF must deal with conserved lands. This raised the policy question of whether a private conservation easement should dictate use of adjacent public waters? Conservation easements are generally private transactions that generally do not undergo public scrutiny, review and comment. Should conservation easements “take” public rights without public input? The State has larger mandate to look out for the many public uses. Des pointed out that no public access on conserved lands should not give rights but agrees that public access to conserved lands could enhance rights of the landowner. But Don reminded that even those that are public, they may still be very exclusive, practically, and public benefit is minimal (e.g. site difficult or expensive to access are really exclusive.)

Josie asked what intrinsic value that sets conserved lands apart is not addressed by existing criteria. Many conservation easements are for seabirds. Those are addressed by criteria. The issue of scenic value may not be an issue for a large set of conserved lands such as these. Erick Swanson pointed out islands with conservation easements that allow farming, timber harvest, construction, and other activity. Is it fair to allow this yet exclude or limit aquaculture on the adjacent public water?

Will Hopkins proposed that an aquaculture board be formed to deal with the issues. DMR is in a difficult position since it has 5 different and sometimes-conflicting roles. An aquaculture board could help relieve the Commissioner of having to make decisions alone.

Don suggested leaving private conservation easements out of triggering scenic standards and on public lands, not forming an exclusion zone but impose scenic criteria. David reminded TF of 1000 ft distance from public parks, beaches and landing that already exists in the decision criteria but acknowledged that conserved lands not specifically addressed. Subcommittee of Jim Dow, Josie Quintrell and Don Perkins agreed to draft a proposal for December 4th meeting.

The minutes from the Walpole meeting were discussed and corrections noted. Minutes are not to be posted on the Task Force Web site until they have been approved.

Schedule and venue of upcoming meetings were reviewed. Eastport public meeting was moved to the evening of 19th with the TF meeting to follow as scheduled on the 20th. Discussion to move the December 4-5 Brunswick meeting to Ellsworth resulted in meeting remaining in Brunswick.

Schedule

Meeting #4: Rockland

Thursday, October 16 on Public Trust, Economic Impacts, Municipal Jurisdiction and Public Comment

Meeting #5: Brunswick

Thursday, November 6

Topics: Existing Uses: Conflicting Use, Tourism, Recreation, and Marine Trades, and Public Comment

Meeting #6: Eastport

Dates: Wednesday, November 19, Public Comment

Thursday, November 20 on Commercial Fisheries, Aquaculture Lease Process

Meeting #7: Brunswick

Dates: Thursday/Friday, December 4 – 5 to Synthesize Recommendations

Meeting #8: Belfast

Dates: Monday, Dec 18

Topics: Review final draft of draft report

Staff will make list of who is doing what and by when.

Mary noted shellfish oyster hearing Oct 9th Tenants Harbor 6PM at St. George Town Hall (located in Tenants Harbor) might help the TF understand the lease hearing process.

Vision Statement

Des requested and TF agreed that the vision statement be moved to earlier in day. Changes were proposed and a new version will be made available for the next meeting. Will wondered if draft is really a vision statement? Not a vision as it does not say how we think aquaculture will be in the future? Josie wanted it to indicate aquaculture should not be everywhere and will be in the mix of other resource use. Use terms like “is and will continue to be” “will” so that it conveys an end-state or goal. Paul will prepare amended draft vision statement.

E-mail policy

Draft policy for e-mail was sent to TF and clarified. E-mails are posted on website as received with two exceptions

- 1) e-mail addresses of TF and SAP are deleted.
- 2) Messages containing offensive, salacious, and bad language will be returned to sender with message saying that e-mail has not been posted due to language.

It was noted that all e-mail i.e. direct e-mail between stakeholders and TF is posted.

Jane McCloskey commented on multi-national corporations from away and need to consider economic impacts of aquaculture on communities. She requested that alluding to positive economic impact in vision statement is premature until economic report received.

Comments on public portion of meeting included adequacy of public notice and steps to ensure it (e.g. press releases, editorials, enhance content to press release, etc.).

Stakeholder Advisory Panel Check-in

Rob Bauer – restated his urge that the TF look at the Rhode Island Coastal Zone Management Council that is a promoter of aquaculture – is inclusive, neutral and has the expertise needed. DMR is too biased, ill equipped and ill informed. An aquaculture board or CZM council is needed to evaluate priorities. Suggested the Massachusetts Ocean Management Board as another model. DMR need legal advice, as there are jurisdictional questions that need more information.

Sebastian senses the TF “close” to coming to conclusions on some things. Recommends that Bruce let them go regardless of time. He is familiar with the Rhode Island model and concludes it is not a great program.

Roger is not clear where TF is headed on conservation lands issue. Standards such as no unreasonable interference, etc. allows agency to build record on a case-by-case basis – this is good. Ultimately there needs to be discretion based on unique set of circumstances, so cautious about more prescribed standards. State and federal courts lean towards agency discretion. Fitting aquaculture within parameters could end up being a low threshold.

Erick wants predictability and does not want to waste time. All of Maine is scenic. Suggests we should determine what resource is capable of – habitat quality, resource quality and use to that end. He see problems with private conservation easements where some allow a lot of activity, others allow none. There is too much variability. Agrees that aquaculture within a mile of Acadia NP should not happen and that agency discretion is important to making this work.

Eric Horne noted that DMR is responsive to concerns of citizens and suggested that the war stories should fade as implementation of the new rules/regulations continues.

Chris – MCHT ideas are work in progress. They are ideas that he encourages the group look at it and develop.

Minutes were approved with changes.

Meeting adjourned at 4:55

The Stakeholder Advisory Panel met with facilitator Bruce Stedman and SPO staff member Kathleen Leyden while the Task Force toured Blue Hill Bay. Panel members in attendance were: Dave Schmanska, Sebastian Belle, David Turner, Eric Horner, Roger Fleming and Rob Bauer.

The group voiced concern about the lack of participation by some members of the Stakeholder Advisory Panel at meetings. Bruce agreed to follow-up with DMR staff about the status of nonparticipating members. The group recommended changes to DMR's public notice and press release format so the public would have a better idea of what to expect at Task Force public meetings. Finally, the Panel created a process for reviewing the draft recommendations of the Task Force in January, agreeing to 1-2 facilitated meetings to be arranged by Bruce. They also created a template for the organization of their comments back to the Task Force, envisioning that the main body of their response would describe consensus positions reached and offer brief statements about differing views. Appendices would offer more detailed explanations of the position of individual stakeholders.

Summary Action Items

- Andy to submit details of his noise survey
- Dave Manski to submit example of agreement between ANP and aquaculturist
- Sowles to produce maps of coast showing existing “exclusion” areas
- Kathleen to look into DEP intern who is compiling public viewsheds.
- Anne Hayden to draft criteria to address “scenic” impacts
- Jim Dow, Josie Quintrell and Don Perkins to draft a proposal on how to handle conserved lands for December 4th meeting.
- Sebastian to provide photos of sites from land and water.
- Chris H. offered to do something?
- Roger offered something as well related to visuals?
- Staff to develop list of oweables.
- Vision Statement discussion to move earlier on agendas.

**Public Meeting
of the
Governors Task Force on Aquaculture
Blue Hill Town Office
Blue Hill, Maine
7 – 10 p.m., September 25, 2003**

Task Force Members Present: Will Hopkins, Paul Anderson, Anne Hayden, Josie Quintrell, Jim Dow, Paul Frinsko, Des Fitzgerald, Don Perkins, and Brian Beal.

Stakeholders Advisory Panel Present: David Turner, Sebastian Bell, Chris Hamilton, Roger Fleming, Eric Horne, Dave Schmanska, Erick Swanson.

Attendance ~ 70 – 100

Paul Anderson opened the meeting and explained the background, purpose, issues and schedule of the Task Force and upcoming public meetings. He touched on ways that the public can access the website for information and provide the Task Force with comments via e-mail.

Task Force and Stakeholders Advisory Panel members introduced themselves and DMR Deputy Commissioner David Etnier introduced the staff.

Bruce reviewed the ground rules for the Task Force's learning sessions as depicted on posters and explained the process for the evening. Speakers were invited in the order they signed up and asked to respect a 5-minute time limit in deference to speakers who followed. If speakers felt they wanted more time, they were invited to sign up again after everyone had a chance to speak at least once.

Jim Littlefield – Innkeeper, Oakland House, Brooksville -- provided handout Discussed that he does not solely represent the NIMBY position. He's not just concerned about water adjacent to his property, but opposed the location of adjacent to any Inn – would put Inns out of business. A salmon pen within 3 miles would negatively affect their businesses – incompatible with reasons people visit -- scenic beauty, quiet relaxation, boating, swimming, water sports and weddings.

Sally Littlefield – also Oakland House – provided a handout to the TF that contained figures that compared tourism value to value of aquaculture. Paul noted that the handout was a Confidential Financial Report and advised Ms. Littlefield that once in the hands of Task Force the report is no longer confidential. This was acceptable with the speaker. Figures emphasized the ripple effect of Oakland house expenditures to community businesses. She noted the importance of providing visual and sound protection for nature destinations and “Maine brand” businesses. Recommended that the State focus on training in the areas of skilled trades as type of economic development rather than aquaculture.

Clare Grindal – Exec. Director Downeast Lobsterman’s Association. -- discussed demise of commercial fisheries, due to over-regulation, and changing coastal life. Aquaculture is a viable industry and fills an economic void in Downeast Maine. Examples of all types of aquaculture are working well. Need to work together cooperatively to solve the problems and conflicts.

Steve Perrin –Maine needs a bay management authority on the state level so local groups can exist and have the power to do the work. Industrial activity shouldn’t be allowed. Decision-making of Department of Marine Resources is from an industrial point of view – need scenic standards. The Department of Marine Resources should be one sub-department under a larger Department of the Marine Environment.

Marsden Brewer -- commercial fisherman, Stonington Maine, coordinates scallop enhancement project, president of East Penobscot Bay Environmental Alliance. Toothacher Cove fish farm is located in an area formerly dragged for scallops yet approved anyway. Acre per acre production value was used when evaluating the lease application decision – i.e. there was more value in intensive culture of an acre as opposed to wild harvest. Bagaduce River nori farm was also opposed by fishermen. East Penobscot Bay Environmental Alliance is a diverse group of people. Interested in three things -- environmental effects of fish farming, wild stock enhancement and use of aquaculture techniques in commercial fisheries (latter will need community-based management), and toxins in Bay – looking at sources of stored toxins. Interested in bay management – protection from disease, protection of multiple uses of waters. Department of Marine Resources forcing will on people, vs. Department of Marine Resources involved as part of a local process. Methods and scale of aquaculture need to be looked at. Proliferation of mussel rafts – look at submerged long lines as being tested by the University of New Hampshire – more palatable. Requested 20 minutes of time of Task Force to explain scallop project.

Jack Burke – Pentagoet Inn in Castine – Described impact of aquaculture on tourism using the mussel farm proposal in Smith Cove. The area is used by 12-15 schooners – 2-3 times per week with 20+ people on each. Estimates that at least 240 people per week drawn to Castine that has four inns, 65 rooms, retail business and 7 restaurants. Nine of the 12 schooner captains voiced concerns to Department of Marine Resources that they were being squeezed out of harbors all along the coast. The 2-acre site would eliminate valuable anchorage. Fortunes of many would be sacrificed for fortunes of one. State needs to consider impacts on other businesses by aquaculture. Ed. Note – lease application in Smith Cove was denied.

Bob Vaughan – owns and operates Seal Cove boatyard in East Penobscot Bay. New England clientele, upper end. Recreational quality of the area is what draws them. This area (East Penobscot Bay) has what can best be called, “mystique” – has value beyond measure. Eight billion dollar value in tourism, \$600 million in marine trade, \$60 million in aquaculture, \$100 million in home building in region. Loss of less than 1% in above cited industries would equal all of aquaculture industry. Time cost of litigation will kill applications. Need informed, credible group, not partisan. Recommended, 1)

combination of state and local planning for any lasting solution and 2) any process needs to include real stakeholders, or litigation will continue.

Dorothy Hayes -- Cited articles in paper. South West Harbor hearing attended by 100+ people – all were opposed except for 2 employees (industry and Department of Marine Resources) Concerned about siting in Blue Hill Bay and practices of multi-national groups. Quoted Governor as saying that state policies should be made by public. No foreign or any industrial exploitation should be allowed.

Arthur Weiss, MD – retired Director of Hematology/Oncology VA Hospital Togus – farms have adverse affect on communities and surrounding area. Incidence of infections by organisms resistant to antibiotics is directly related to presence of farms. Antibiotic efficacy reduced by organisms not exposed to antibiotics that have developed resistance. Anthrax and other harmful material found on sites. Cited journal article in Applied and Environmental Microbiology. He wouldn't swim near a farm site. SLICE – is a neurotoxin in rats. Department of Marine Resources must consider potential danger to human health.

Jane McCloskey – notes provided to Task Force --aquaculture is a menace to water quality, native species and stakeholders, with no clear positive economic impacts. Prices plummeting for salmon – increased imports from Chile. Scale in Chile is huge and expanding. Can Maine salmon industry compete with Chile – why support a declining industry? Too many government supports for aquaculture. How many jobs can it provide -- 2500? 1000? Currently 214 people according to Maine Department of Labor. The \$16.6 million crop loss bail out due to ISA in 2002-3 equates to \$78,000 per aquaculture job in Maine. In addition, \$5 million for salmon development and \$5 mill for Franklin facility. Not many more sites available on the coast that meet the criteria. According to McCloskey – all added up, that equates to \$103,000 per existing job. Compared large-scale aquaculture to large scale industrial farming on land.

Bill McQueeney – Brooksville – Pres. of Bagaduce Watershed Association – some in organization are against aquaculture but also three members earn a living in aquaculture. Aesthetics should be included in leases/licenses. Bay-wide plan should be in place. Plan for large and small bays and estuaries, developed by local people. Within current process, emphasis on the environment is not sufficient. Staff spends 1-2 days at site, 1-2 calls to locals -- not enough. On land, an Environmental Impact Statement is required for similar scale projects. Need better information to base decisions.

Don Eley – President of Friends of Blue Hill Bay – provided handouts to TF FOBHB has 400 local members, of all backgrounds/livelihoods and members from all towns around the Bay. Challenge – local people cannot participate in planning of aquaculture. Over the years have seen 8 salmon proposals, many shellfish proposals, with no NPDES (discharge permit) in place -- still outstanding issues. Says his organization wants to work collaboratively with agencies and others. Siting process needs to be changed to move away from adversarial. Privatization of a public resource

for individual or corporation results in the public losing access to resource. Public needs greater role in deciding and there needs to be an effective role for locals, who are not heard now. Department of Marine Resources is regulator and advocate – disconcerting. Scientists need to play a greater role. Bay management has been discussed by CLF. (Five minutes up, demanded 5 minutes more.) Task Force needs to review the Finfish Aquaculture Monitoring Program outside peer review as a critical piece of information. Handed copy of report to Task Force. Friends of Blue Hill Bay commissioned a physical circulation model by Neil Pettigrew – provided a handout for Task Force. Friends of Blue Hill Bay worked with the Department of Environmental Protection on the NPDES permit – shows dedication of group. Referenced the USEPA permit. Friends of Blue Hill Bay has made a good scientific start on understanding of Bay. Suggested as next steps to gather stakeholders, explore uses and values of bay. Currently 1 salmon farm, 3 mussel farms – recommends limiting aquaculture to that number until a bay management plan is complete.

Robert Slaven – Noted an anomaly in way the coast is treated – on the one hand we have very restrictive shoreland zoning and on the other the public water can be privatized. This results in change of character of the coast. Wants more municipal involvement. The bay is an extension of Main St. – Blue Hill Bay is the equivalent of our town park.

Sally McCloskey – had handouts. Island owner in Penobscot Bay. Brought information developed for cancelled Scott and Pickering hearings. Wants consideration for conservation easements granted to Non-Government Organizations and others that contain provisions for environmental protection, protection of views, etc. Summarized list of easements in towns in East Penobscot Bay from Hancock County deeds office – Total easements in area of East Penobscot Bay was 78. Many of these easements were on record before the aquaculture lease law and all on record before first salmon farm proposal.

Jean Davison –resident of Brooksville – swimmer, sailor, sociologist. Interested in impacts on local communities. Comments to focus on external impacts –want state to take a look at disease, concerned about orange foam, sea lice and its problematic cure, and refuse. There is need for planning and consideration of carrying capacity. She viewed New Brunswick pens and thought there were too many. Concerned about litigation.

Sally Mills – representing the Wetlands Foundation – attorney in Ellsworth and will be submitting comments in writing on bay management. She seconded comments on scenic impacts and need for regulations. Cited Natural Resource Protection Act (NRPA) law and aquaculture exemption. The aquaculture regulations do not mirror NRPA and therefore leaves a gap. Thought it significant that section of NRPA concerning scenic and aesthetics is first section and not buried within the text of the law.

Edee Howland – Need to look at natural resources in non-commercial sense. Impacts from aquaculture are not known. Locals have had to fend off proposals that take a lot of

resources. Aquaculture will ruin the bay's beauty. Commented on the health benefits of Maine's environment. Noise and lights from facilities are human stressors, and aquaculture has negative effects on swimming water quality. Doesn't eat farm-raised salmon. Noted higher fat content in net pen salmon. Also suggested adverse effects on other fisheries used for salmon feed.

Susan Shaw – Director and founder of Marine Environmental Institute in Blue Hill.

Referenced MERI mission to address environmental pollution and biodiversity. Scenic beauty has to do with the health of the environment and its pristine, unpolluted nature. Had three points to make and will submit a paper. 1) need better baseline information before aquaculture operations begin 2) bioaccumulation of chemicals in farmed fish is a concern for the entire food chain, including humans. 3) need to consider cumulative impact and multiple exposures. UK studies show farmed salmon bioaccumulate PCB, dioxin and DDT from fish feed – farm salmon are 52% higher in fat than wild salmon. Recommendations – research on contaminant levels in fish tissue and feeds to determine if this poses a risk to Maine's environment and human health. Assess baseline so changes on pollutant levels can be viewed. Need to look at extensive suite of contaminants – flame retardants and other estrogen disrupting compounds. Need research before action. Use the precautionary approach.

Jean Washburn – underscored other points. Bay management is essential. Currently no regional land planning – site-by-site basis. Apparently there are no limits to growth of aquaculture. Some state waters are special and deserve extra protection, e.g. Bagaduce, Upper Taunton Bay, Perry shore. Siting should respect aesthetics, wild and scenic character and existing and pending conservation easements. Physical factors inhibit suitable lease sites. Estuaries are those most accessible for recreation and therefore their shores have higher density of other uses that can be impacted. Definition of navigation is too narrow and needs to be expanded to include not interfering with recreation by a variety of small craft. Need more than passageway, need qualities to look at and wildlife to enjoy.

Jim Littlefield – read letter from Dick Groton – President of Maine Restaurant Association. Littlefield “wearing new hat” as member of Board of Directors of MRA. Members have key stake in assessment of impacts of aquaculture on tourism... mitigating external impacts, changing lease procedures. Hospitality and tourism needs to be included in all deliberations and included in statutory criteria for leasing. Also read letter from Main Innkeepers Association. Littlefield is also on legislative committee of the Maine Innkeepers Association that represents 650 hotels and motels, B&Bs, etc. That Board endorses multi-stakeholder involvement in planning, location and management of aquaculture anywhere on the Maine coast. Views, aesthetics, noise, waste and smells are of concern. Cited same 3 areas of resolve as above as being of interest to the MIA.

Dennis Schultz - photographer with previous career in research and development, lives in Rockport and was on Planning Board and Comprehensive Planning Committee. Discussed the importance of arts and ME heritage as center of the arts. Cited 2 quotes from national press -- \$\$ valued over environment. Institutions of art exist because of

unspoiled environment. Need fully researched protective measures before industry grows.

William Lamb – resident of Boston, seasonal resident of Little Deer Isle – taxpayer. 2 years lived w/threat of lease proposals off Scott and Pickering islands, but threat to bay is lingering. Noise, 24/7 operations, visual issues, lighting, effluent on beach, potential for green algae, were all concerns. Current regulations are inadequate -- do not consider impacts of lease sites on local land uses, residential uses. Residences mandated by shoreland zoning yet an industrial operation can be proposed right off shoreline. Approval process should consider economic impact on adjacent lands – effects on tourism industry, devaluation of private property. Cited same spin-off economic impacts as Sally Littlefield. 8 jobs on Scott and Pickering proposed – while negative impact would've been much greater. Most of \$\$ is international – does it stay within ME? Operations should be approved with strict conditions on noise, lighting, hours of operations – can hear boats 2 miles away.

Doug Johnson – Bd. Of Appeals in Stonington – when his Zoning Board deals with issue of aesthetic disagreement, it is difficult, not as clear as “know it when you see it.” Applying aesthetic criteria to aquaculture – could apply to lobstering eventually. Not universal agreement on aesthetic impacts of existing activity. Bay management – how to do it? Talk to DEP about compliance with shoreland zoning – recent report shows not good. Local people are volunteers – need to put provide funds to any effort that calls on towns and volunteers. Keep municipal Bd of Appeals out of it – too much to do already.

Steve Perrin (Second time up) – Department of Marine Resources characterizes shellfish site by one visit, one time per year, not sufficient. GoMOOS data provides continual data – shows variability of environment, weather, etc. Discussed “introduction” of eastern oysters to Taunton Bay. Department of Marine Resources is cavalier in saying oysters are native in ME, therefore native to all of ME waters. Native once at one time is not sufficient. Apply precautionary principle. Prove it is benign before we take your word for it.

Bill Shaw – Deer Isle - Will send a note to Task Force with details. Involved professional in UK Medical Research Council and Agricultural Research. Scientific data – lots of suspect and insufficient info out there. Data, facts and knowledge – there is a difference. Bring attention to legislators that we rely on data from elsewhere – need to invest in local data. Cited local control -- regional oversight of aquaculture in Scotland. In Maine, Department of Marine Resources is both judge and jury. Discussed east coast and west coast of Scotland. Think about set asides with no aquaculture to test continually.

Luke Williams – Resident of Stonington – one year. 1) current studies – a lot of work is already done – Tide and Current Flows for Atlantic Coast – 2) environmental standards – lots of disagreement – court decision – no compliance with EPA standards. Take judge's decision and translate into criteria that Department of Marine Resources could apply.

Dorothy Hayes (second time up) – Neal Pettigrew’s study will soon be published

Rudy Deetjen -- discussed beauty of the area.

Edee Howland (2)– When leases were proposed, word was that not much was going on, wouldn’t be much opposition. Not true. There is much commercial value in the art created in the Blue Hill region.

Jane McCloskey (2) – NIMBYISM – resisters characterized as being focused only on their backyard, not true. NIMBYISM provides accountability over industry and does the job when gov’t won’t. Salmon farms should be moved on shore.

Jane Mills – industry profits are calculated in a way that externalizes costs. Costs to individuals and the public are not accounted for. During operation and afterwards – cited Callahan mine superfund site. Growth is not necessarily good.

Sarah Cox – chair of Brooksville harbor committee – wrote report (which report?) speaking as an individual. Look at home rule. Aquaculture sites need a mooring permit from town – Brooksville’s ordinance now considers aesthetic, etc. Major distinction between shellfish and finfish. Not against shellfish. Negative gut reaction to salmon. Glad to have shellfish – riparian owners have adjusted.

Sebastian Belle – Doesn’t disagree with everything said, but doesn’t agree either. Will take concerns back to growers – increase their review of issues. Try to get issues gelled to bullet points –as part of review of their code of practice – perhaps there is more they can do. Thanks for comments.